

ARTICLE 5

ALABAMA COMPUTER CRIME ACT.

§13A-8-100. Short title

This article may be cited as the Alabama Computer Crime Act. (*Acts 1985, No. 85-383, §1, p. 326.*)

Collateral references.—Computer as nuisance. 45 ALR4th 1212. What is computer “trade secret” under state law. 53 ALR4th 1046.

Section 13A-8-101. Definitions.

When used in this chapter, the following terms shall have the following meanings, respectively, unless a different meaning clearly appears from the context:

- (1) DATA. A representation of information, knowledge, facts, concepts, or instructions which are being prepared or have been prepared in a formalized manner, and is intended to be processed, is being processed, or has been processed in a computer system or computer network, and should be classified as intellectual property, and may be in any form, including computer printouts, magnetic storage media, punched cards, or stored internally in the memory of the computer.
- (2) INTELLECTUAL PROPERTY. Data, including computer program.
- (3) COMPUTER PROGRAM. An ordered set of data representing coded instructions or statements that, when executed by a computer, cause the computer to process data.
- (4) COMPUTER. An electronic magnetic, optical or other high speed data processing device or system which performs logical, arithmetic, and memory functions by manipulations of electronic magnetic or optical impulses, and includes all input, output, processing, storage, computer software, or communication facilities which are connected or related to the computer in a computer system or computer network.
- (5) COMPUTER SOFTWARE. A set of computer programs, procedures, and associated documentation concerned with the operation of a computer, computer system or computer network.
- (6) COMPUTER SYSTEM. A set of related, connected or unconnected, computer equipment, devices, or computer software.
- (7) COMPUTER NETWORK. A set of related, remotely connected devices and communication facilities, including more than one computer system, with capability to transmit data among them through communication facilities.
- (8) COMPUTER SYSTEM SERVICES. The utilization of a computer, computer system, or computer network to assist an individual or entity with the performance of a particular lawful function which that individual or entity has been given the right, duty, and power, together with the responsibility, to perform.
- (9) PROPERTY. Anything of value as defined by law, and includes financial instruments, information, including electronically produced data and computer software and computer programs in either machine or human readable form, and any other tangible or intangible items of value.
- (10) FINANCIAL INSTRUMENT. Includes any check, draft, warrant, money order, note, certificate of deposit, letter of credit, bill of exchange, credit or debit card, transaction authorization mechanism, marketable security, or any computer system representation thereof.
- (11) ACCESS. To instruct, communicate with, store data in, or retrieve data from a computer, computer system or computer network. (*Acts 1985, No. 85-383, §2, p. 326.*)

Section 13A-8-102. Offenses against intellectual property.

(a) Whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he or she has such authorization, attempts or achieves access, communication, examination, or modification of data, computer programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.

(b) Whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he or she has such authorization, destroys data, computer programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.

(c) Whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he or she has such authorization, discloses, uses, or takes data, computer programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.

(d)(1) Except as otherwise provided in this subsection, an offense against intellectual property is a Class A misdemeanor, punishable as provided by law.

(2) If the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of a Class C felony, punishable as provided by law.

(3) If the damage to such intellectual property is greater than two thousand five hundred dollars (\$2,500), or if there is an interruption or impairment of governmental operation or public communication, transportation, or supply of water, gas, or other public or utility service, then the offender is guilty of a Class B felony, punishable as provided by law.

(4) Whoever willfully, knowingly, and without authorization alters or removes data causing physical injury to any person who is not involved in said act shall be guilty of a Class A felony, punishable as provided by law. (Acts 1985, No. 85-383, p. 326, §3.; Act 2003-355, p. 962, §1.)

Collateral references.—Criminal liability for theft of, interference with, or unauthorized use of, computer programs, files, or systems, 51 ALR4th 971. What is a computer “trade secret” under state law. 53 ALR4th 1046.

Section 13A-8-103 Acts constituting offense against computer equipment or supplies; punishment.

(a)(1) Whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he has such authorization, modifies equipment or supplies that are used or intended to be used in a computer, computer system, or computer network commits an offense against computer equipment or supplies.

(2)a. Except as provided in this subsection, an offense against computer equipment or supplies as provided in subdivision (a)(1) is a Class A misdemeanor, punishable as provided by law.

b. If the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of a Class C felony, punishable as provided by law.

(b)(1) Whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he has such authorization, destroys, uses, takes, injures, or damages equipment or supplies used or intended to be used in a computer, computer system, or computer network, or whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he has such authorization, destroys, injures, takes, or damages any computer, computer system, or computer network commits an offense against computer equipment and supplies.

(2)a. Except as provided in this subsection, an offense against computer equipment or supplies as provided in subdivision (b)(1) is a Class A misdemeanor, punishable as provided by law.

b. If the damage to such computer equipment or supplies or to the computer, computer system, or computer network is \$2,500.00 or greater, or if there is an interruption or impairment of governmental operation or public communication, transportation, or supply of water, gas, or other public utility service, then the offender is guilty of a Class B felony, punishable as provided by law. (Acts 1985, No. 85-383, §4, p. 326.)

Collateral references. -- Criminal liability for theft of, interference with, or unauthorized use of, computer programs, files, or systems, 51 ALR4th 971.